

PLM-2

12486

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-196596

DATE: January 9, 1980

MATTER OF: Dennis P. Bracy

- DIGEST:
1. An employee whose transfer is in the interest of the Government is limited by the administrator of an agency to \$5,100 for sale of residence at old station with no allowance for purchase of residence at new station. Allowances for real estate expenses under 5 U.S.C. 5724a as implemented by the Federal Travel Regulations (FPMR 101-7) (May 1973) are mandatory and may not be limited by the agency.
  2. An employee whose transfer is in the interest of the Government is denied an allowance for subsistence while occupying temporary quarters at the new station. Subsistence while occupying temporary quarters under para. 2-5.1 of the Federal Travel Regulations is discretionary with the agency. Payment may not be made without agency authorization or approval.

Mr. John Gregg, Chief, Financial Services Branch, General Services Administration, in effect asks whether the administrator of an agency may <sup>to</sup> limit reimbursement of relocation expenses under 5 U.S.C. 5724 and 5724a (1976) where the transfer is in the interest of the Government. Real estate expenses may be limited only within the provisions of the applicable regulations. Subsistence while occupying temporary quarters (TQSE) is discretionary and as such may be limited by the agency.

AGC 00017

Mr. Dennis P. Bracy, an employee of the General Services Administration, was transferred in the interest of the Government from Washington, D.C., to Seattle, Washington. A set of travel orders was prepared on March 23, 1978, authorizing Mr. Bracy the maximum allowances for en route travel, 30 days temporary quarters, miscellaneous expenses, real estate expenses and shipment and storage of household goods. When submitted to the Administrator for approval, he refused to sign the orders

~~008252~~ 111247

B-196596

and directed that the travel orders to be redone limiting the reimbursement of the relocation expenses to the sale of Mr. Bracy's home not to exceed \$5,100 and denying allowances for the expenses of purchasing a residence and eliminating the allowance for temporary quarters. Orders were prepared on March 31, 1978, as directed and signed by the administrator. Travel began on April 14, 1978, and was completed April 26, 1978, with annual leave taken en route from April 17 to April 19. The certifying officer now asks whether an amended travel authorization may be prepared and signed to allow Mr. Bracy to be reimbursed for the temporary quarters expenses, the balance of his real estate sales expenses and real estate expenses for purchase of a new home.

Incident to his transfer Mr. Bracy signed a 12-month service agreement on March 13, 1978, in consideration for agency reimbursement for transportation, travel and related moving expenses.

Mr. Bracy's documentation of relocation travel time beginning April 14 with annual leave on April 17-19 and arrival in Seattle on April 26, 1978, does not meet the requirements of the Federal Travel Regulations. See 56 Comp. Gen. 104 (1976).

Reimbursement of travel and relocation expenses under *applicable* 5 U.S.C. 5724 and 5724a, upon an employee's change of station, *legislation* is not automatic but is conditioned upon a determination by the head of the agency concerned or his designees that the transfer is in the interest of the Government and is not primarily for the convenience of the employee. B-184251, July 30, 1975; B-194196, November 14, 1979. Para. 2-1.3 of the Federal Travel Regulations (FPMR 101-7), May 1973 (FTR) provides in part:

"2-1.3. Travel covered. When change of official station or other action described below is authorized or approved by such official or officials as the head of the agency may designate, travel and transportation expenses and applicable allowances as provided herein are payable in the case of  
(a) transfer of an employee from one official

B-196596

station to another for permanent duty, Provided That: the transfer is in the interest of the Government and is not primarily for the convenience or benefit of the employee or at his request \* \* \*."

Once an agency determines that a transfer is in the interest of the Government, certain allowances under 5 U.S.C. 5724 and 5724a as implemented by the FTR are mandatory and will be paid on a uniform basis. See 55 Comp. Gen. 613 (1976) and B-190487, February 23, 1979. One such nondiscretionary allowance is that for reimbursement for the expenses of residence transactions as provided for in Chapter 2, Part 6 of the FTR.

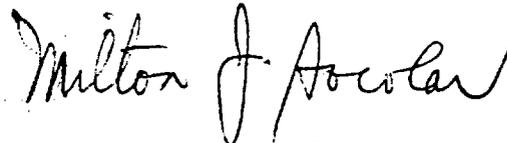
The reimbursement for real estate expenses incurred incident to a transfer in the interest of the Government is considered a right pursuant to law and regulations. Thus, the fact that an employee does not intend to purchase a residence at the time of transfer does not preclude reimbursement for costs incurred in purchase if during the initial year after transfer the employee decided to purchase a residence and completes one transaction within the time limits prescribed by regulations. B-194196, November 14, 1979.

Agencies have administrative discretion in authorizing reimbursement for expenses incurred in connection with a transfer of duty stations for house-hunting trips and subsistence while occupying temporary quarters. See FTR subparts 2-4.1 and 2-5.1. 55 Comp. Gen. 613, supra, and B-190891, October 2, 1978.

Accordingly, Mr. Bracy's travel authorization may be amended to allow reimbursement for the balance of his real estate expenses and those for purchase of a home at his new duty station within the time limitation set forth in FTR para. 2-6.1e. On the record there is no authority to allow reimbursement for subsistence expenses while occupying

B-196596

temporary quarters. Data should be required on the relocation travel to determine compliance with regulations. See 56 Comp. Gen. 104 (1976).

A handwritten signature in cursive script, reading "Milton J. Fowler". The signature is written in dark ink and is positioned above the typed name.

**For the** Comptroller General  
of the United States